

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/938,670 Confirmation No.: 2509
Applicant : Jens PETERSEN et al.
Filed : August 27, 2001
Title : POLYACRYLAMIDE HYDROGEL AND ITS USE AS AN
ENDOPROSTHESIS
TC/Art Unit : 3738
Examiner: : David J. Isabella

Docket No. : 60117.000007
Customer No. : 21967

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, Applicants submit attached Form PTO/SB/08A (modified) for consideration and request the references cited therein be made of record by the U.S. Patent and Trademark Office ("USPTO") in the above-captioned application. In accordance with 37 C.F.R. § 1.98(a)(2), the U.S. patents and U.S. patent application publications cited have not been provided.

U.S. Reissued Patent No. RE38,913, issued to Pavlyk, is owned by the Assignee of the present application and was recently issued on December 6, 2005. U.S. Patent Application Publication No. 2005-0175704 is a copending application.

Applicants respectfully point out that the submission of the listed references in this Information Disclosure Statement is not an admission that they are prior art or that they are material to patentability of any claims of the application. Also, the submission of this Information Disclosure Statement is not an indication that a search has been made by Applicants.

Consideration of the foregoing plus the prompt return of a copy of the enclosed Form PTO/SB/08A with the Examiner's initials in the left column in accordance with M.P.E.P. § 609 are respectfully requested.

In accordance with 37 C.F.R. § 1.97(c)(2), this Information Disclosure Statement is believed to be submitted after the issuance of a first Office Action on the merits but before the mailing date of any action closing prosecution in the application. The Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206 the amount of \$180.00 in accordance with 37 C.F.R. § 1.17(p). It is respectfully submitted that no additional fees are required for consideration of this information. However, in the event that the USPTO determines that a variance exists between the amount authorized above and the amount due, the Commissioner is hereby authorized to debit or credit such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: February 13, 2006

By: Stanislaus Aksman
Stanislaus Aksman
Registration No. 28,562

Victoria A. Silcott
Registration No. 57,443

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	09/938,670
				Filing Date	August 27, 2001
				First Named Inventor	Jens PETERSEN
				Group Art Unit	3738
				Examiner Name	David J. Isabella
				Attorney Docket Number	60117.000007
Sheet	1	of	1		

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Examiner Signature		Date Considered	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

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